



# University of Hawaii at Manoa

Environmental Center  
Crawford 317 • 2550 Campus Road  
Honolulu, Hawaii 96822  
Telephone (808) 948-7361

RL:0900

## SB 3306 SD 2 RELATING TO KANEOHE BAY

Statement for House Committee on  
Ocean and Marine Resources  
Water and Land Use  
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By  
Jacquelin Miller, Environmental Center  
John Harrison, Environmental Center

The purpose of this bill is to consolidate jurisdictional responsibilities over Kaneohe Bay under the Department of Land and Natural Resources (DLNR).

Our statement on this bill does not represent an institutional position of the University of Hawaii.

Under present statutes, control and management of Kaneohe Bay is divided among several departments. SB 3306 SD 2 would place the control and management of the Bay under the jurisdiction of DLNR and would direct DLNR to develop a comprehensive master plan to assess environmental and ecological impacts of all activities on the Bay. An advisory committee would assist in the development of recommendations for the Kaneohe Bay master plan.

We share the concerns expressed in Section 1. of SB 3306 SD 2 insofar as they reflect the need for careful management of Kaneohe Bay and the intent to protect both the natural environment as well as the public and commercial uses of the Bay. However, we are concerned that the ramifications of the proposed transfer of authority to DLNR may not accomplish the intent. As presently drafted, the DLNR would be required to adopt interim rules relating to the management of the Bay by January 1, 1991. If this bill were to pass and the monies for implementation became available on July 1, 1990, DLNR would have only 6 months, at the very most, to prepare the interim rules. These interim rules would then supersede the ocean recreation management plan rules adopted by DOT under HRS 267. Given the time, effort, and thought that went into the development of the Ocean Recreation

Management Plan it seems quite clear to us that 6 months would be an insufficient time to develop a new and presumably better management plan.

As an alternative to the transfer of jurisdiction to DLNR, we suggest that the creation of the Kaneohe Bay Advisory Committee be undertaken as proposed in Section 3. of the bill and that this advisory committee be charged with the responsibility to assess the environmental and ecological impacts of activities on the Bay; to examine the need for a comprehensive master plan for the Bay in concert with the Ocean Recreation Management Plan; to evaluate the optimum jurisdictional responsibility for the bay; and, to report their findings and recommendations to the 1991 legislature. The advisory committee should be encouraged to consult with DOT and other sources for information in undertaking their evaluations.

If SB 3306 SD 2 is to be passed in its present form, we would like to offer one substantive change to the bill for your consideration. Page 2, lines 16-20, state that:

"The department may require commercial users of the bay to prepare and provide copies of environmental assessments and environmental impact statements to evaluate the environmental impacts of these activities on the bay."

While we concur that an environmental review of commercial activities in Kaneohe Bay may be desirable, we do not believe it is appropriate to include this provision in this act. We have consistently opposed triggering of the environmental assessment process for specific activities outside of the language of HRS 343. If, after careful evaluation of the needs, the advisory committee should determine that environmental review would improve management of the bay, then the triggering language for environmental assessment should be incorporated into the existing and established provisions of HRS 343. We urge that the last sentence in paragraph (c) page 2 (lines 16-20) be deleted.

The Environmental Center is undertaking a review of HRS 343 and will be consulting with other state and county agencies and the private sector under a forthcoming contract with the Office of Environmental Quality Control. You can be sure that the topic of environmental assessment for commercial activities in areas such as Kaneohe Bay will be a topic of discussion. We will be submitting a report to the legislature prior to the 1991 legislative session.